

REMARKS

Applicant has cancelled claims 1-4, 8, 9, 11-18, 22, 23, 25-30, 34, 35, and 37 without prejudice. Applicant has amended claims 5, 10, 19, and 31 to be in independent form. Applicant has also amended claims 7, 21, 24, 33, and 36 such that they do not depend upon cancelled claims.

Before discussing the rejections of claims 1-37, a discussion of U.S. Patent No. 6,230,150 to Walker may be beneficial. Walker discloses a system for testing the profitability of a price change at a vending machine. Referring to Figures 1, 3, 5A, and 5B, Walker discloses a central server (300) having a price testing databases (500) storing a price alteration factor (535), test start date (540), trial period duration (545), success determination criteria (550), trial period profitability change (555), and test status (560). In Figures 4, 6A, and 6B, Walker discloses a vending machine having an inventory database (470) that stores previous item price (635), quantity sold at previous item price (640), profitability at previous item price (645), test item price (650), quantity sold at test item price (655), profitability at test item price (660), and change in profitability (665). Figures 7A and 7B illustrate the operation of Walker's system. In general, the price alteration factor (535) and the success determination criteria (550) are predefined. The central server (300) retrieves the previous item price (635) from the vending machine and computes the test item price (645). The central server (300) communicates the test item price (645) to the vending machine where it is stored in the inventory database (470). During the testing period, the vending machine records the quantity sold at the test item price (655). When the testing period is complete, the central server (300) requests the change in profitability (665) from the vending machine. The vending machine calculates and stores the profitability at test item price (660) and the change in profitability (665) and communicates the change in profitability (665) to the central server (300). Based on the change in profitability (665) from the vending machine and the success determination criteria (550), the central server (300) determines if the test was a success or failure.

The Patent Office rejected claims 1-6, 8, 9, 12-20, 22, 23, 26-32, 34, and 35 under 35 U.S.C. § 102(e) as being anticipated by Walker (U.S. Patent No. 6,230,150). As stated above, Applicant has cancelled claims 1-4, 8, 9, 12-18, 22, 23, 26-30, 34, and 35 without prejudice. Applicant has amended claims 5, 19, and 31 to be in independent form.

Regarding claim 5, Walker fails to disclose at least a control system of a vending machine adapted to compare corresponding records for the reference vending data and the new vending data to identify records to insert into and records to delete from the reference vending data to reflect the new vending data. As discussed above, the vending machine disclosed by Walker calculates a change in profitability by determining the difference between profitability at the previous price and profitability at the test price. The change in profitability is transmitted to the central server. However, the vending machine of Walker fails to compare corresponding records for the reference vending data and the new vending data to identify records to insert into and records to delete from the reference vending data to reflect the new vending data. Therefore, claim 5 is allowable, and claims 6 and 7 are also allowable.

For at least the same reasons claim 5 is allowable, claims 19 and 31 are allowable, and claims 20, 21, 24, 32, 33, and 36 are also allowable.

The Patent Office rejected claims 10, 24, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Walker (U.S. Patent No. 6,230,150) in view of Kolls (U.S. Patent No. 6,505,095). As stated above, Applicant has amended claim 5 to be in independent form.

Regarding claim 10, the combination of Walker and Kolls fails to teach or suggest a vending machine controller adapted to tokenize portions of data in the difference indicia. As indicated by the Patent Office, Walker fails to disclose this feature. Kolls discloses a token ring network. However, a token ring network is simply a network that allows the systems on the network to "take turns" communicating by passing a token packet. The system having the token network is free to communicate over the network. However, tokenizing portions of data is not the same as a token ring network. Accordingly, the combination of Walker and Kolls fails to teach or suggest a vending machine controller adapted to tokenize portions of data in the difference indicia, and claim 10 is allowable.

For at least the same reasons claims 10 and 19 are allowable, claim 24 is allowable.

For at least the same reasons claims 10 and 31 are allowable, claim 36 is allowable.

Applicant would like to thank the examiner for the indication that claims 7, 21, and 33 contain allowable subject matter.

In view of the discussion above, claims 5-7, 10, 19-21, 24, 31-33, and 36 are allowable. Reconsideration is respectfully requested. If any issues remain, the examiner is encouraged to contact the undersigned attorney of record to expedite allowance and issue.

Respectfully submitted,  
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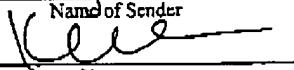
Date: January 23, 2004  
Attorney Docket: 4673-007

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